

PLANNING COMMITTEE

10 MAY 2017

PERFORMANCE REPORT: 1 JANUARY 2017 TO 31 MARCH 2017

Report from: Richard Hicks, Director
Regeneration, Culture, Environment & Transformation

Author: Dave Harris, Head of Planning

Summary

This report is presented quarterly to committee informing members on current Planning performance and the Local Plan.

1. Budget and Policy Framework

1.1 There are no budget and policy framework decisions arising directly from this report. This is an information item for the Planning Committee.

2. Background

2.1 Performance relating to the processing of planning applications is collected as National Indicator 157. The NI157 targets are:

Major developments: to determine 60% of applications within 13 weeks.

Minor Developments: to determine 65% of applications within 8 weeks.

Other Developments: to determine 80% of applications within 8 weeks.

3. Performance

3.1 See attached charts in Appendices A to G for performance concerning the processing of planning applications, benchmarking, appeals, enforcement activity, Tree Preservation applications and a breakdown of complaints received.

3.2 During the period 1 January 2017 to 31 March 2017 the authority received 409 planning applications; this is compared to 403 for the

same period in 2016. For the year 2016/17 the authority received 1543 applications, this compares to 1421 in 2015/16.

Performance for applications is split between those subject to an extension of time and those not. An extension of time can be in the form of a Planning Performance Agreement (PPA) or a Planning Extension Agreement (PEA).

Performance for major applications **not** subject to an extension of time during the quarter is 85.71%. Applications subject to an extension of time is 76.92%. This is against a target of 60%.

Performance for minor applications **not** subject to an extension of time during the quarter is 95.35%. Applications subject to an extension of time is 83.33%. This is against a target of 65%.

Performance for other applications **not** subject to an extension of time during the quarter is 93.30%. Applications subject to an extension of time is 84.38%. This is against a target of 80%.

Appendix A, figure 2, 3 and 4 shows performance against target (including those not subject and those subject to an extension of time) for majors, minor and other applications for the year.

Comparing performance against the latest data available nationally (October to December 2016), Medway performed significantly above the national average for minor applications. Performance for major applications was in line with the national average and for other types of applications it was marginally above the national average (see Appendix B).

Pressure on officer resources has been carefully managed in order to meet national performance targets. This pressure continues and with the added pressure of annual leave, maternity leave and vacancies, the workload will need to be carefully managed if performance is to continue to be maintained.

- 3.3 During the quarter 81 applications with Planning Extension Agreements were decided, this compares to 54 in the previous quarter (see Appendix C). Comparing performance against national data for the period October to December 2016, 83% of applications were determined within the agreed extended timeframe nationally compared to 87% by Medway.
- 3.4 One Planning Performance Agreement (PPA) was entered into during the quarter. This related to:
 - Chatham Quayside (Formerly Colonial House) – MC/17/1028
- 3.5 The percentage of appeals allowed during the quarter is 31%, this compares to 40% for the previous quarter. Appeals decided comprise 9 delegated decisions and two Committee overturns to refusals and

two Committee decisions in line with the officer recommendation. There were no applications for costs (See Appendix D).

3.6 The administration of tree preservation applications is undertaken by the Administration Hub. The post of Senior Tree Officer remains within Planning. The number of TPO applications received and performance against target time is reported in Appendix E.

3.7 The Planning Service successfully gained re-certification of its ISO accreditation in February. The next external assessment is scheduled for June 2017.

4. Advice and analysis

4.1 This report is submitted for information and enables members to monitor performance.

5. Consultation

5.1 The Housing White Paper 'Fixing our Broken Housing Market' was issued in February 2017. The White Paper is a consultation document setting out the concerns about the current housing crisis. It puts forward a number of proposals as to how the Government intends to go about 'fixing' the problem.

Government has set out revised criteria for designating a local planning authority as underperforming. The thresholds that authorities will be assessed against from the first quarter of 2017 are as follows:

- For applications for major development: less than 50 per cent of an authority's decisions made within the statutory determination period or such extended period as has been agreed in writing with the applicant. The threshold for the 2018 assessment period increases to 60%.
- For applications for non-major development: less than 65 per cent of an authority's decisions made within the statutory determination period or such extended period as has been agreed in writing with the applicant. The threshold for the 2018 assessment period increases to 70%.

Medway will be working to achieve the 2018 threshold targets from 1 April 2017.

5.2 All parts of the Housing and Planning Act, 2016, relating to self build and custom housebuilding were enacted by 31 October. In the period 1 January 2017 to 31 March 2017, 17 requests were submitted to be included on the Medway register.

5.3 The Planning Service participated in a DCLG pilot scheme to set up a brownfield land register, in advance of the requirements of the Housing and Planning Act. This supports the government's aims to boost the

supply of land for housing. Since the register was published in June 2016, 42 sites have been identified in Medway.

- 5.4 The Development Options consultation document was presented to Cabinet on 20 December 2016. This is the second formal stage in the preparation of the new Local Plan and builds on the work carried out in the Issues and Options stage. The document provides a draft vision for Medway in 2035, setting out emerging approaches to policies to address the key issues facing Medway's communities, economy and environment. To consider options for how development land could be allocated across Medway, it also sets out a range of scenarios that could provide the basis for Medway's development up to 2035. The consultation will run from 16 January 2017 to 31 May 2017.

The Planning Service organised a programme of public exhibitions and meetings during the consultation period. This included:

- 16 exhibitions in towns, suburban areas and villages – 650 people attended
- 13 thematic meetings with a range of technical and community stakeholders
- 15 meetings with neighbouring councils, statutory bodies and partnerships

The key concern was the impact of development on infrastructure and need for growth to be supported by investment in services.

Work will continue in the first quarter on the evidence base for the Local Plan, which will include the Strategic Transport Assessment, Sustainability Assessment and Habitat Regulations Assessment.

- 5.5 Medway Council's Planning Service is a member of the Planning Quality Framework (PQF), organised by the Planning Advisory Service, to improve the way Council Planning departments work.
- 5.6 Liaison with major house builders within Medway and the Planning Service continues to assist them to meet commitments. This has resulted in the negotiation of payment plans to assist developers to meet their S106 developer contributions. During the quarter £253,830.87 has been received via S106 contributions and £15,427.02 has been received for Habitat Regulations Agreements. This makes a total of £269,257.89. As encouraged by CLG Medway Council continues to meet with developers to work with them to ensure developments with planning permission start on site and developments continue. This includes considering appropriate amendments to developments and viability assessments. .

6. Risk Management

- 6.1 The risk register for the service rates the risk against service vulnerability, triggers, consequence of risk and mitigation.

- 6.2 Performance is regularly monitored to ensure that the Council's Development Management function meets its monthly, quarterly and annual targets. In addition comparisons are undertaken with all other authorities to assess performance against the national average.
- 6.3 Monitoring of all appeal decisions is undertaken to ensure that the Council's decisions are being defended thoroughly and that appropriate and defensible decisions are being made by Committee and under delegated powers. The lack of any monitoring could lead to more decisions going contrary to the Council decisions resulting in poorer quality development and also costs being awarded against the Council.
- 6.4 Within the Enforcement team measures and procedures are in place to ensure that appropriate enforcement action will be taken where necessary and that decisions taken are defensible to challenge.
- 6.5 The section continues to retain ISO accreditation for its processes, which ensures a quality and consistency of decision making that enables the majority of challenges/complaints against decisions not to be upheld. Where complaints are justified then the reasons for that are reviewed and appropriate action/changes are made.
- 6.6 In negotiating Planning Performance Agreements, the Head of Planning and Planning Managers will try to negotiate backfilling payments with developers, which enable the developer to get an enhanced service and also enable Medway Council to use the payments to bring in additional staff to deal with the greater workload demands.

7. Financial and legal implications

- 7.1 Development Management procedures are constantly being reviewed to reflect new ways of working.
- 7.2 Planning income during the quarter is £140,179 compared to £280,090 in the previous quarter. Total income for the year 2016/17 was £844,237.04 compared to £845,255.66 in 2015/16. See Appendix A, Figure 5.
- 7.3 If the Local Planning Authority is designated as non-performing then applicants would have the choice of submitting applications to the Planning Inspectorate, which would include the fee. This would not only take control away from the LPA but would reduce income.
- 7.4 There are no legal implications arising directly from this report.

8. Recommendations

- 8.1 This report is submitted for information to assist the committee in monitoring Development Management activity and therefore there are no recommendations for the committee to consider.

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Appendices

- A) Applications
- B) Benchmarking
- C) Appeals
- D) Enforcement
- E) Tree Preservation Order Applications
- F) Complaints

Background papers

General Development Control Return PS1
General Development Control Return PS2

Appendix A : Applications

Figure 1 *Number of applications received and determined 2013/14 to March 2017*

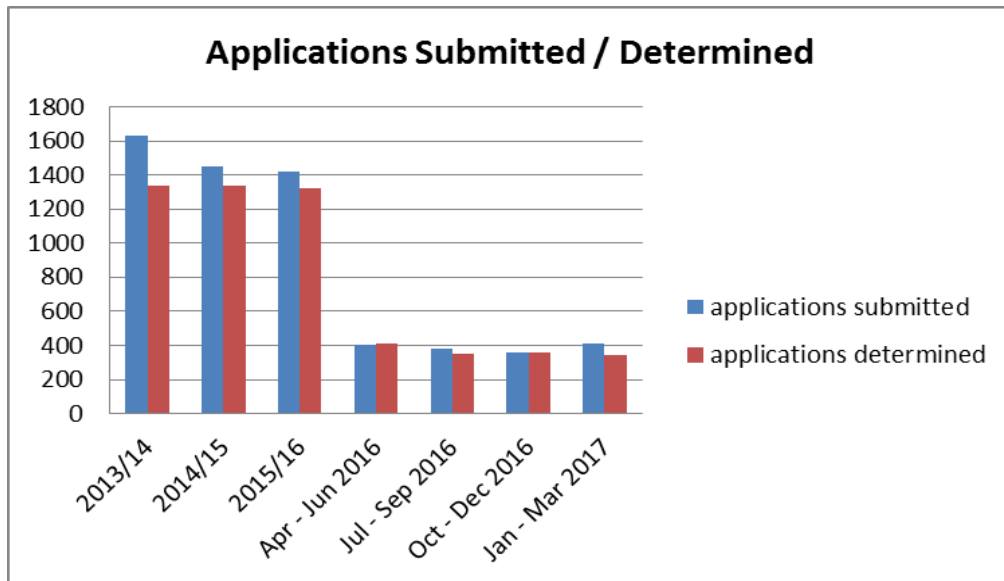


Figure 2 *Percentage of “Major” applications determined against performance target October 2015 to March 2017*

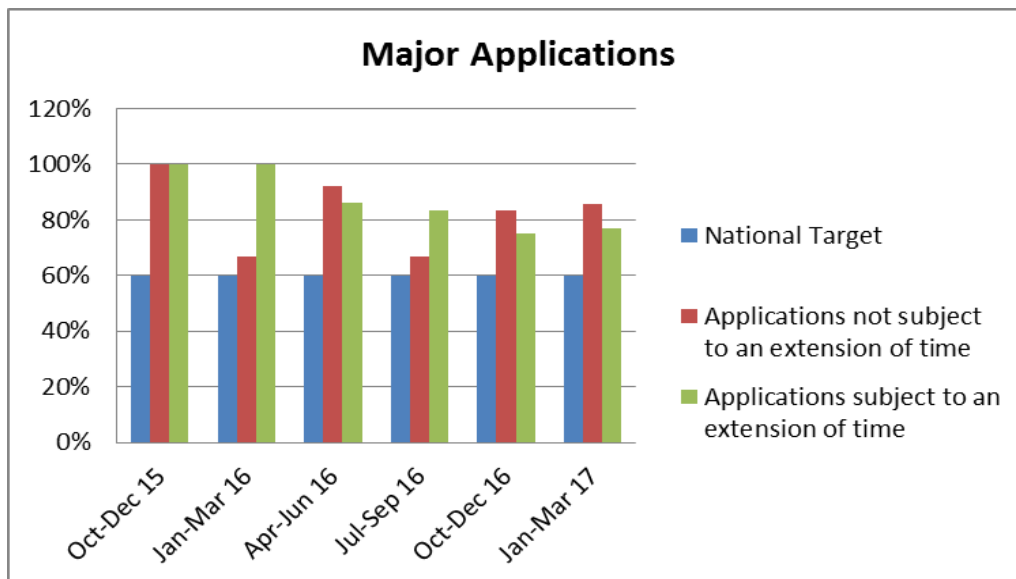


Figure 3 Percentage of “Minor” applications determined against performance target October 2015 to March 2017

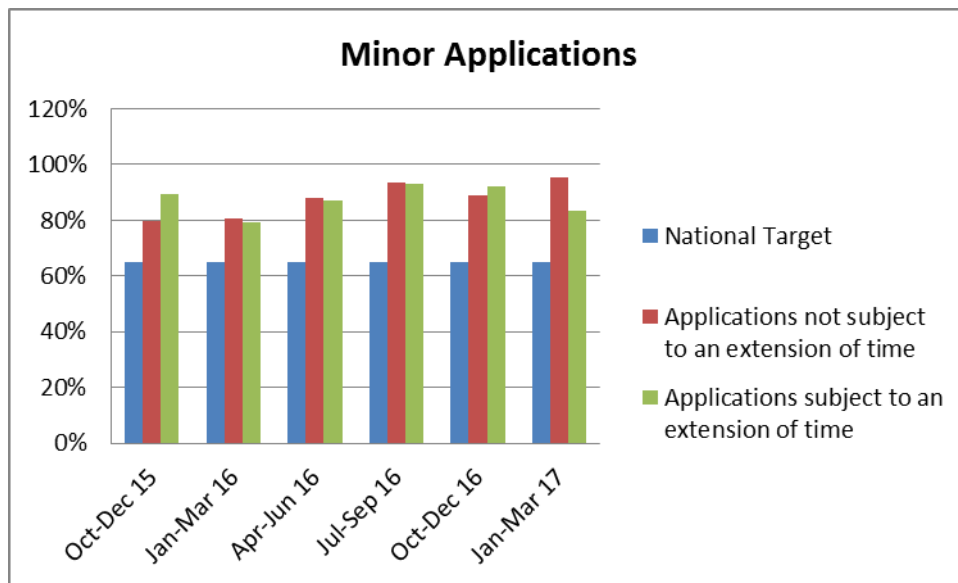


Figure 4 Percentage of “Other” applications determined against performance target October 2015 to March 2017

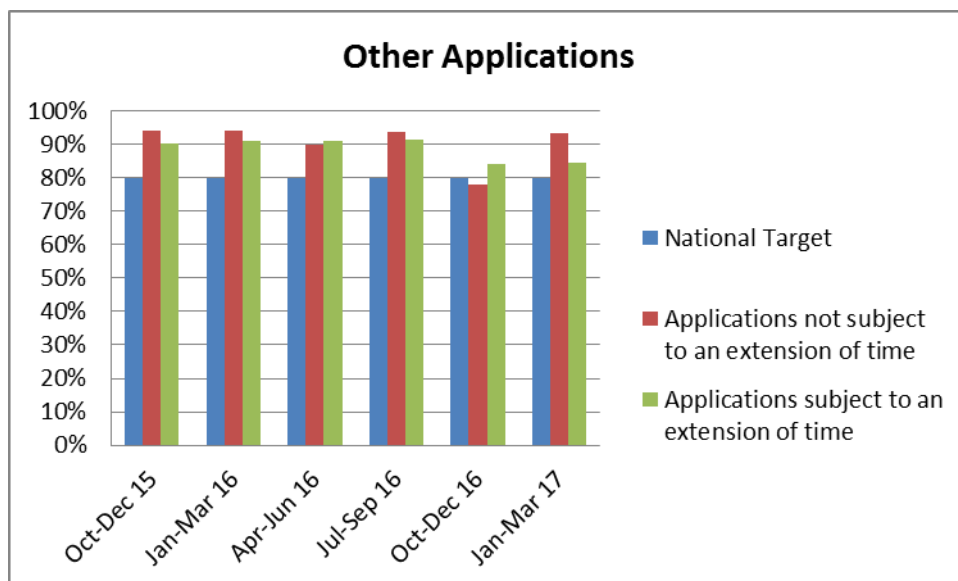
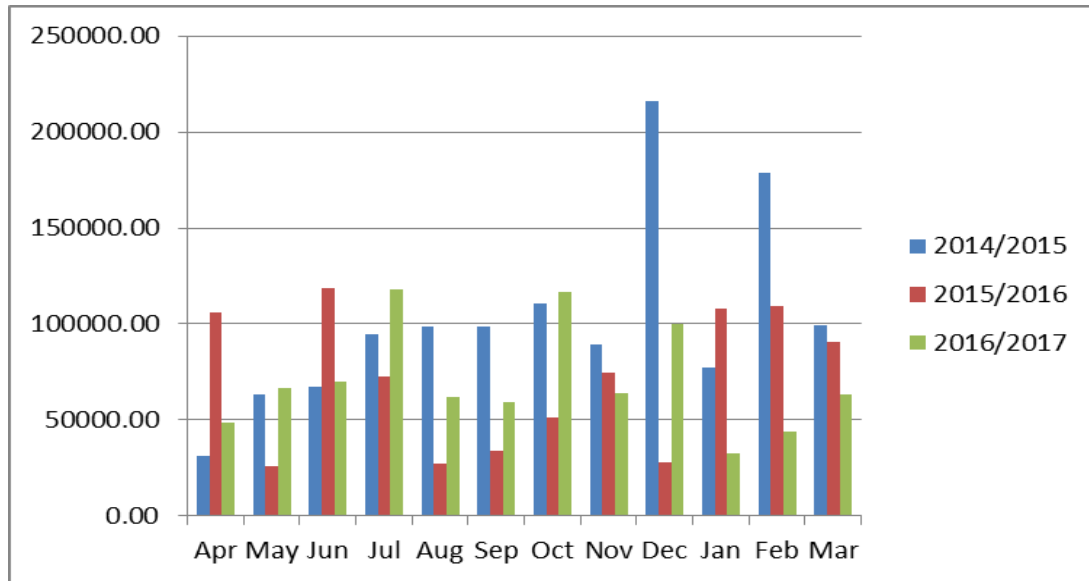


Figure 5 Planning application fees received showing 2014/15, 2015/16 and 2016/17



Appendix B : Benchmarking

Figure 1 – Planning applications determined within the statutory timeframe

Government produced statistics and league tables compares performance to the national average. The chart below compares Medway's performance with the latest data available for other unitary planning authorities, which is October to December 2016.

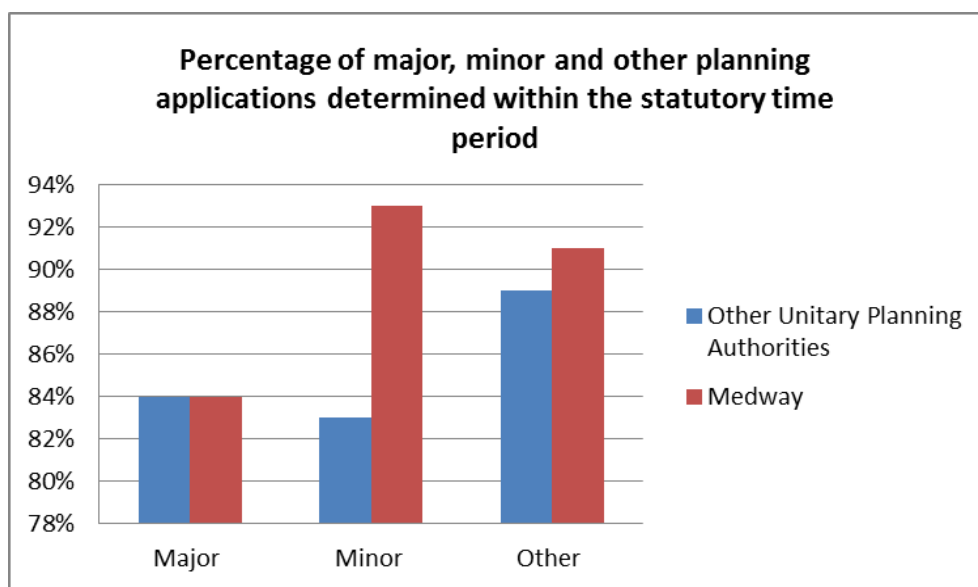
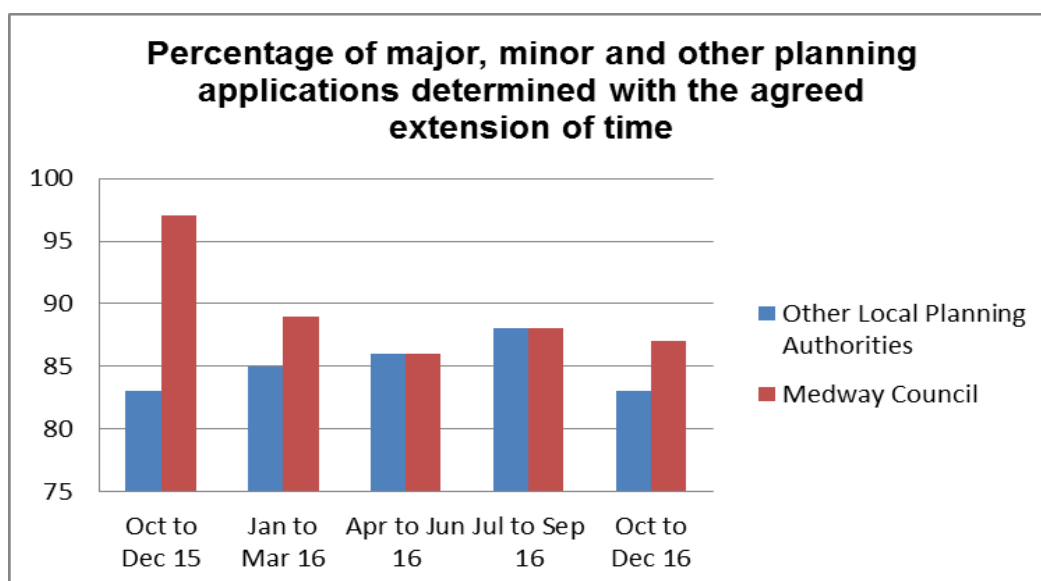


Figure 2 - Applications with a Planning Extension Agreement

Government produced statistics and league tables compares performance to the national average. The chart below compares the performance with other local planning authorities for applications with a Planning Extension Agreement.



Appendix C : Appeals

Figure 1 *Number of appeals received from January 2016 to March 2017*

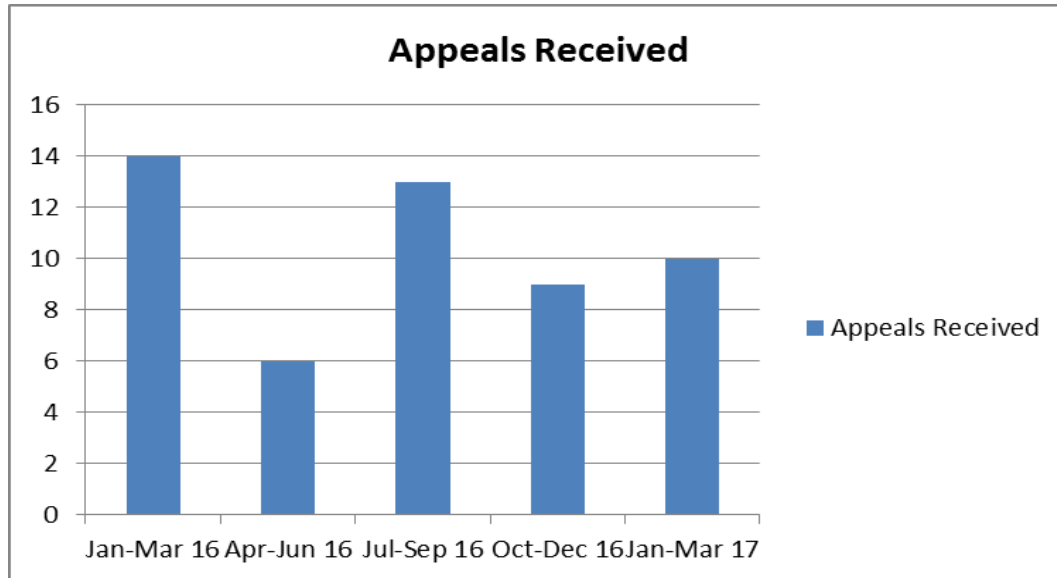
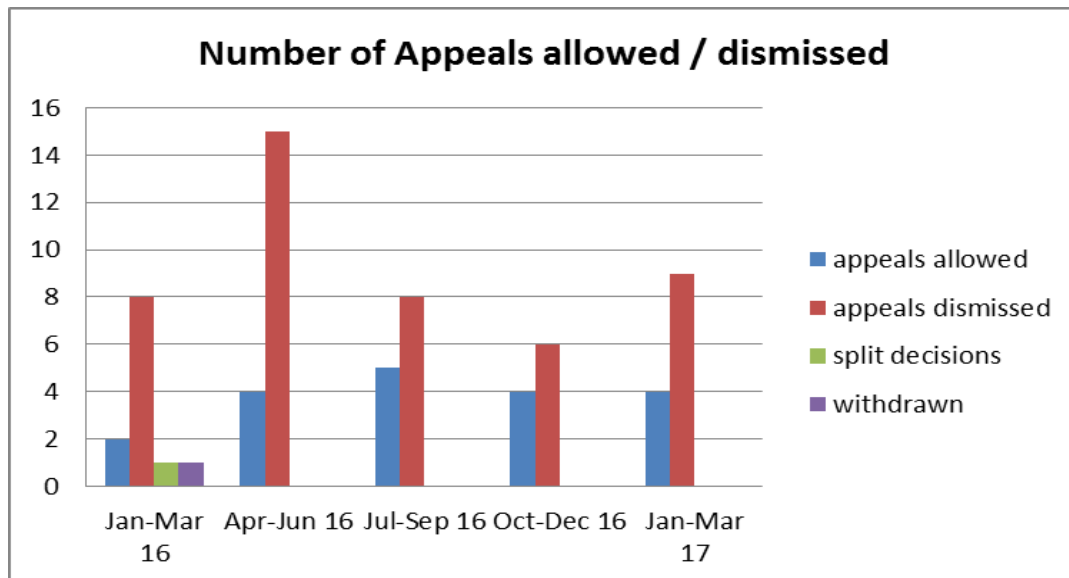
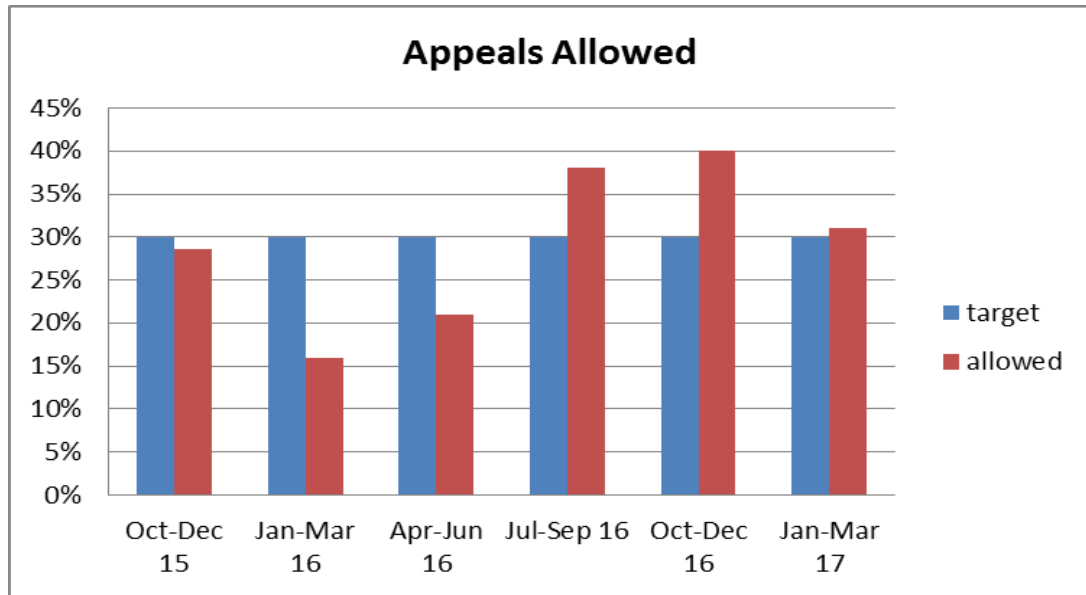


Figure 2 *Number of Appeals allowed / dismissed January 2016 to March 2017*



**Figure 3 : Percentage of appeals allowed against target of 30%
October 2015 to March 2017**



Appendix D : Enforcement

Figure 1 Number of enforcement notices served and prosecutions January 2016 to March 2017

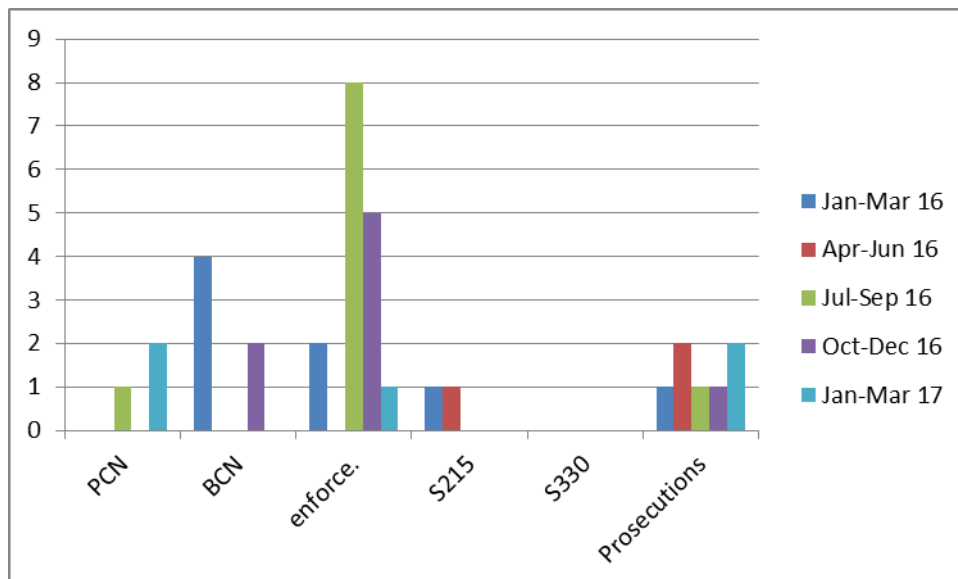
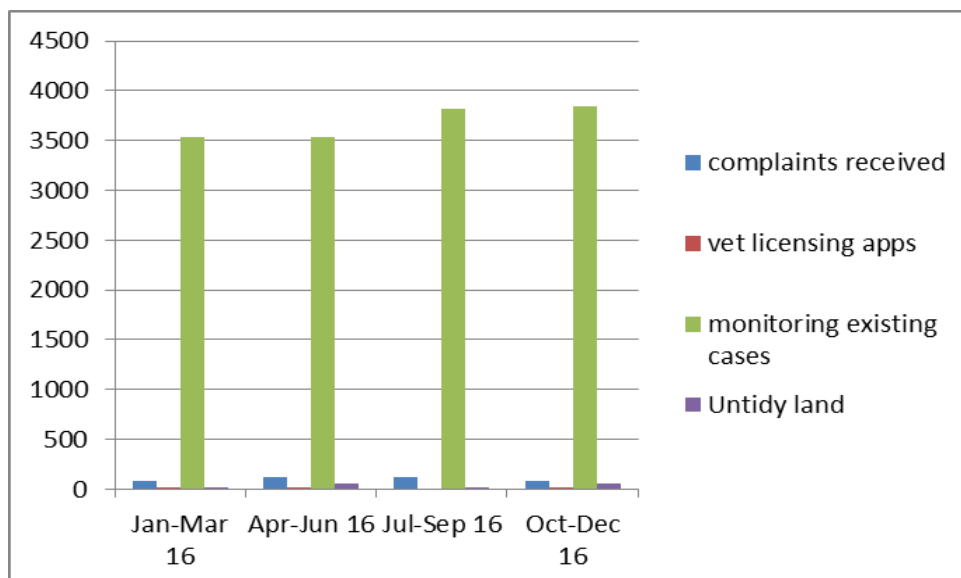


Figure 2 Number of enforcement related complaints and activities January 2016 to March 2017



Appendix E : Tree Preservation Order Applications

Figure 1 : TPO applications received from April 2016 to March 2017

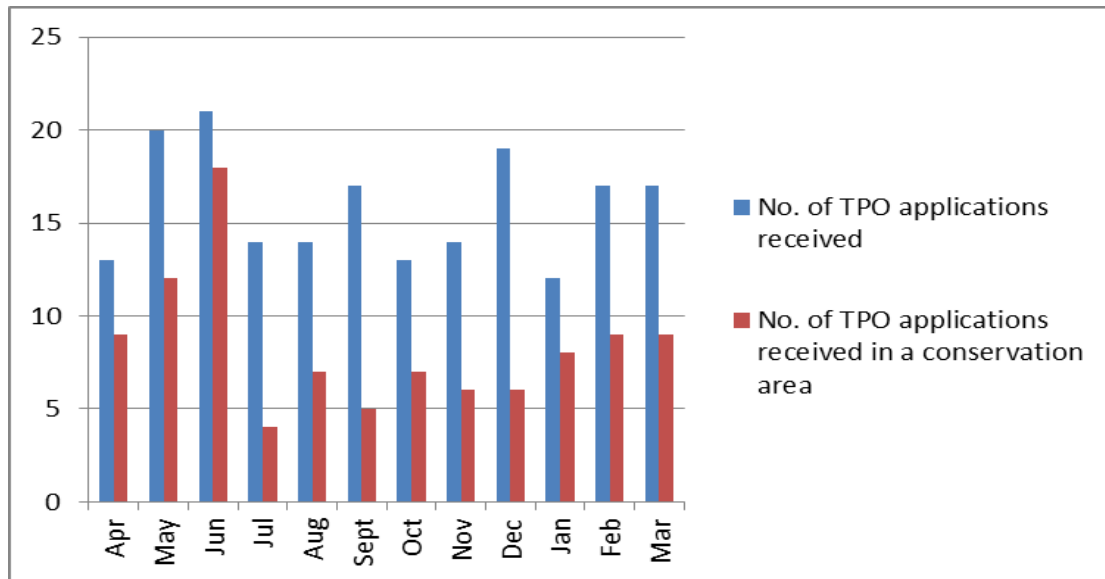
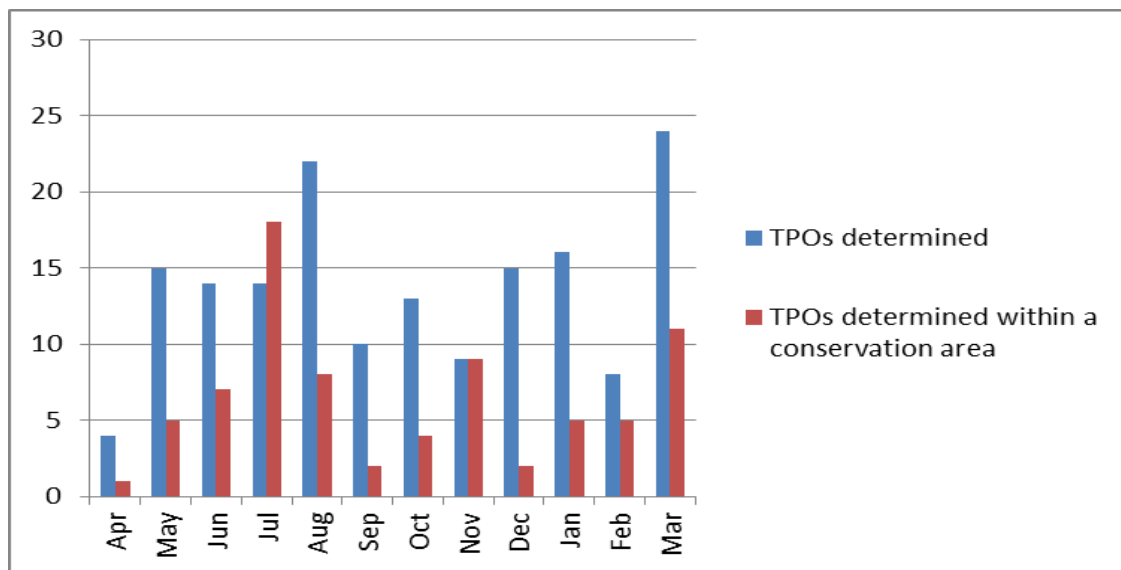


Figure 2 : TPO applications determined from April 2016 to March 2017



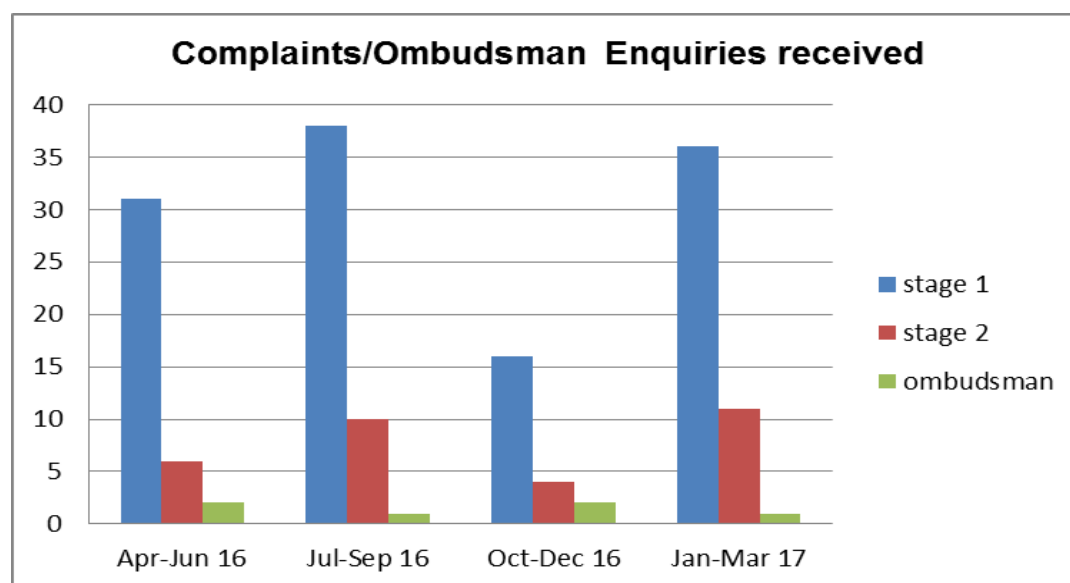
Appendix F : Complaints and Compliments

Complaints are received by phone, email, e-form, letter, fax or face-to-face at reception. All complaints are logged with a target deadline date of 10 working days. The chart below shows number of complaints responded to.

The corporate complaints procedure involves 2 stages :

Stage 1 : the complainant receives a response from the service manager. The response letter also includes a final paragraph giving ways to contact the Chief Executive's office if the complainant wants to take the matter further.

Stage 2 : the complainant receives a response from the Chief Executive giving details on how to contact the Ombudsman should the complainant remain dissatisfied.



During the quarter 39 complaints were answered, with 95% being answered within the target time of 10 working days, 9 of which had been escalated to Stage 2. 34 complaints were dismissed where no fault was found. 3 were partially upheld and 2 were upheld due to a delay in determining the application.

The Ombudsman received one complaint during the quarter, relating to the operation of a dog grooming business from home. This investigation is ongoing. The Ombudsman determined 3 investigations finding no fault by the Council and closed 1 complaint deeming it too late to complain.

The Planning Service has received a number of compliments during the quarter from both internal and external customers. Comments include *'a huge "Thank You" to the team for your valued assistance and support with the development. I praised your team in front of the audience as being very supportive'*.